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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,878	07/19/2001	Yoshiharu Dewa	SONYJP-120	7281
530 7590 01/31/2007 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			EXAMINER LAZARO, DAVID R	
			ART UNIT 2155	PAPER NUMBER
			MAIL DATE 01/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	Application No. 09/786,878	Applicant(s) DEWA, YOSHIHARU	
	Examiner David Lazaro	Art Unit 2155	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 03 January 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: none.  
Claim(s) objected to: none.  
Claim(s) rejected: 1-6, 8-12, 14-18, 20-24, 27, 29, 31 and 33.  
Claim(s) withdrawn from consideration: none.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☒ Other: See Continuation Sheet.

  
**SARAH NAJJAR**  
**SUPERVISORY PATENT EXAMINER**

  
**David Lazaro**  
**January 24, 2007**

**Advisory - Continuation Sheet**

**11. Continued:**

Applicant argues on pages 14-15 of the remarks - *"Namely, Hind first describes that compression reduces the amount of space required for a string and subsequently points that such compression should not be carried out when the replacement cost is too high. By contrast, Davison only describes that compression reduces the amount of storage without addressing the issue of how to determine whether such compression is cost effective. Hence, the relied-on section of Davison simply fails to address an issue discussed by Hind and does not conflict with the teachings of Hind."*

Examiner's response - The cited section of Davison is describing the is related to the limitation of sorting a plurality of character strings in order of their appearance frequency. Particularly, Davison notes that the costs may seem too high because "in certain instances the token may actually involve a greater use of storage capacity than the ASCII character string which has been tokenized."

(Davison: Col. 4 lines 63-66). However, as noted, Davison states that using the sorting mechanism will still result in a cost effective compression (i.e. "the actual storage requirement is substantially reduced"). As such, there is no teaching away, and the examiner agrees that there is no conflict between the teachings of Hind and Davison.

Applicant argues on page 15 of the remarks - *"However, as set out above, the relied-on section of Davison is not at all concerned with determining the cost of compression."*

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Examiner's response - As discussed above, the cited section of Davison is actually concerned with the cost of the compression. Particularly, Davison acknowledges the cost of compression in the form of storage requirements and explicitly addresses the instance where the cost may at first seem to high.

However, Davison continues by showing that the actual storage requirements (costs) are still substantially reduced using the sorting mechanism. Applicant's arguments are not persuasive.

Applicant argues on page 16 of the remarks - *"By contrast, the relied-on section of Davison only describes sorting the order of entries in a table according to their occurrence frequency. The relied on section of Davison does not disclose or suggest associating a character sting having a greater appearance frequency with a substitute string having smaller number of characters. In fact, Davison teaches away from substituting in this manner"*

Examiner's response - Davison explicitly states that "many component strings which in ASCII would occupy several bytes are replaced by a single byte (Col. 5 lines 1-3). This is a result of the substitution described in Col. 4 lines 24-54. The examiner considers this to be within the scope of the claimed subject matter.

In regards to teaching away, the cited passage of Davison (Col. 5, lines 3-7), is merely identifying that one could try to use a smaller substitution string than the one byte string disclosed. Even taking into consideration applicant's interpretation, MPEP 2123 states "A reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill the art, including nonpreferred embodiments." Applicant's arguments are not persuasive.

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13. Continued:

The rejections of Claims 1-6,8-12,14-18,20-24,27,29,31 and 33 are maintained as presented in the 11/03/2006 office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 571-272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



David Lazaro  
January 24, 2007